

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Case No. 23-mj-30102

v.

Brian Zervos,

Defendant.

**Stipulation to Continue the
Preliminary Hearing and Find Excludable Delay**

The parties stipulate to continue the preliminary hearing for approximately 30 days, from March 27, 2023, to April 27, 2023. The parties further stipulate, and jointly move for the Court to find, that the time period between March 27, 2023, and April 27, 2023, qualifies as excludable delay under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7), because the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and the defendant in a speedy trial. The parties also stipulate that there is good cause for the requested continuance under Federal Rule of Criminal Procedure

5.1(d). The parties' reasons for the continuance and for a finding of excludable delay and good cause are as follows:

- The parties need additional time to prepare for the preliminary hearing. The government requires additional time to seek an indictment.

The parties therefore request that the Court find that the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS SO STIPULATED.

Respectfully submitted,

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s/Todd Shanker (with consent)

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Date: March 27, 2023

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United States of America,

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v.

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Defendant.

**Order Continuing the Preliminary Hearing and
Finding Excludable Delay**

The Court has considered the parties' stipulation and joint motion to continue the preliminary hearing for approximately 30 days and for a finding that the time from March 27, 2023, to April 27, 2023, qualifies as excludable delay under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7). For the reasons described in the parties' submission, and after considering the factors listed in § 3161(h)(7)(B), the Court finds that the ends of justice served by granting the parties' requested continuance outweigh the best interests of the public and the defendant in a speedy trial and that the time from March 27, 2023, to April 27, 2023, qualifies

as excludable delay under § 3161(h)(7). Specifically, the Court finds that:

- The parties need additional time to prepare for the preliminary hearing. The government requires additional time to seek an indictment.

For the same reasons, the Court also finds that there is good cause for the requested continuance under Federal Rule of Criminal Procedure 5.1(d).

IT IS THEREFORE ORDERED that the preliminary hearing will be continued for approximately 30 days from March 27, 2023, to April 27, 2023, and that the time from March 27, 2023, to April 27, 2023, shall constitute excludable delay under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7), because the Court finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS SO ORDERED.

s/Anthony P. Patti
Hon. Anthony P. Patti
United States Magistrate Judge

Entered: March 27, 2023